

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
: 06-cr-150 (JSR)
-v- :
MICHAEL MATERASSO, :
Defendant. : ORDER

JED S. RAKOFF, U.S.D.J. :

USDC-NY :
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Defendant Michael Materasso is accused of violating the terms and conditions of his supervised release in that he: (1) committed unlawful imprisonment in the second degree in violation of New York law by restraining his wife, Irma Materasso, to a chair on or about November 5, 2014; (2) endangered the welfare of a child in violation of New York law, in that his three-year-old daughter witnessed the November 5, 2014 incident; (3) committed aggravated harassment in the second degree in violation of New York law by threatening to kill Irma Materasso via telephone on or about November 8, 2014; and (4) used methamphetamine on or before November 8, 2014. On December 18, 2014, defendant admitted specification 4 but denied specifications 1, 2, and 3. On the basis of defendant's admission to specification 4, the Court revoked defendant's supervised release. Subsequently, the parties agreed to dismiss specifications 2 and 3.

The Court held an evidentiary hearing on specification 1 from January 20 to 23, 2015. Having carefully reviewed the testimony and documentary evidence, the Court finds that the Government has failed

to prove, by a preponderance of the evidence, that defendant is guilty of specification 1. The Court will issue its Findings of Fact and Conclusions of law in due course.

SO ORDERED.

Dated: New York, NY
January 30, 2015



JED S. RAKOFF, U.S.D.J.